

W. Donald Gieseke  
 Bankruptcy Trustee  
 18124 Wedge Pkwy., Suite 518  
 Reno, NV 89511  
[wdg@renotrustee.com](mailto:wdg@renotrustee.com)  
 (775) 742-9107  
 (775) 562-8181 (fax)

UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA

IN RE:	)	BK – 09-54031
	)	
LEHRER, RICK ALAN	)	CHAPTER 7
	)	
LEHRER, JENNIFER LYNNE	)	<b>TRUSTEE’S MOTION AND NOTICE</b>
	)	<b>FOR ORDER COMPELLING</b>
DEBTOR(S)	)	<b>COMPLIANCE WITH TITLE 11,</b>
	)	<b>SECTIONS 521 &amp; 542</b>
	)	
	)	Hearing Date: May 29, 2013
	)	Hearing Time: 10:00 a.m.
	)	Time required: 5 minutes

**NOTICE**

NOTICE IS HEREBY GIVEN that said hearing may be adjourned from time to time without further notice. Opposition to said Motion should be made in writing, filed with the Court and served on the Trustee, W. Donald Gieseke as per Local Rule 9014:

- (1) Except as set out in subsection (3) below, any opposition to a motion must be filed, and service of the opposition must be completed on the movant, no later than fourteen (14) days preceding the hearing date for the motion. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule.
- (2) Except as set out in subsection (3) below, and reply must be filed and served no later than seven (7) days preceding the hearing date.
- (3) Subsections (d)(1) and (2) do not apply to:
  - (a) Motions for summary judgment brought in an adversary proceeding;
  - (b) Motions for which an order shortening time for the hearing has been obtained; and
  - (c) Motions or contested matters for which the court has set a separate briefing schedule either in open court or by separate order.

If you object to the relief requested in this paper, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your objection written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

1 The court may *refuse to allow you to speak* at the scheduled hearing; and

2 The court may *rule against you* without formally calling the matter at the hearing.

3  
4 NOTICE IS FURTHER GIVEN that the hearing on said MOTION will be held before a  
5 United States Bankruptcy Judge in the Clifton Young Federal Building and Courthouse,  
6 Bankruptcy Courtroom, 5<sup>th</sup> Floor, 300 Booth Street, Reno, Nevada 89509 on the 29<sup>TH</sup> day of  
7 May, 2013 at the hour of 10:00 a.m.

8  
9 Trustee, W. Donald Gieseke, hereby moves the Court for an Order compelling Rick Alan  
10 Lehrer and Jennifer Lynne Lehrer to cooperate with Trustee and to surrender to the Trustee the  
11 hard copy documentation as described below, pursuant to 11 U.S.C. §521 & 542.

12 The Trustee represents as follows:

13 1. Debtors filed their Voluntary Petition for relief under Chapter 7 of Title 11 of the  
14 United States Bankruptcy Code on November 12, 2009. On this same day, W. Donald Gieseke  
15 was appointed as Trustee.

16 2. The Meeting of Creditors was scheduled on December 17, 2009 in accordance with  
17 11 U.S.C. §341, continued to January 4, 2010, and continued and concluded on February 18,  
18 2010.

19 3. Potential non-exempt assets of this bankruptcy estate include bank balances any  
20 assets / investments of the Debtors former business that may still exist.

21 4. There is approximately One Million Dollars in investments in this business that are  
22 unaccounted for.

23 5. The Trustee received an Order compelling the Receiver of the Debtors former  
24 business, SJL Investments, to turn over records relating to the business (Docket #30).

25 6. The Receiver failed to comply with the Order of this Court. It was just learned that  
26 the Receiver has filed his own Chapter 7 bankruptcy case and, based on demands of the Trustee,  
27 has now agreed to provide documents in his possession and control.

7. The Trustee has requested that that the Debtors turn over bank statements for Nevada State Bank account ending 0779 and Bank of America account ending 1343, copies of checks written both front and back from the SJL Investments Account ending 7717, Nevada State Bank Account ending 7840, and Nevada State Bank Account ending 8053, any and all Quickbook files from January 2005 through February 2008, and to respond to the Trustee's questions regarding all of these accounts per the most recent letter written on March 7, 2013.

8. The Debtors have not complied with the Trustee's request for the turnover of the documentation requested despite the most recent letter dated March 7, 2013 and emails to the Debtors requesting the production of these requested documents from the Trustee.

9. Debtors have not provided to the Trustee requested documentation and have not provided evidence of the uses of the significant investments in their former business, SJL Investments.

**WHEREFORE**, the Trustee respectfully requests that the Court issue an Order compelling Rick Alan and Jennifer Lynne Lehrer to turn over all the requested bank statements, check copies, Quickbook files, and answers to the Trustee's questions to the Trustee within fifteen (15) days of the entry of an Order. A proposed order is attached.

Dated this 22<sup>ND</sup> day of April, 2013.

/s/ W. Donald Gieseke

W. Donald Gieseke, Trustee

APPROVED/~~DISAPPROVED~~

On Behalf of the Office of the  
United States Trustee

BY /s/ Nicholas Strozza

Date: April 22, 2013

Attorney for Acting United States Trustee  
Nicholas Strozza

SAMPLE ORDER

W. Donald Gieseke  
Bankruptcy Trustee  
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Reno, NV89511  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

IN RE:	)	BK – 09-54031
	)	CHAPTER 7
LEHRER, RICK ALAN	)	
LEHRER, JENNIFER LYNNE	)	<b>ORDER COMPELLING COMPLIANCE</b>
	)	<b>WITH TITLE 11, SECTIONS 521 &amp; 542</b>
DEBTOR(S)	)	Hearing Date: May 29, 2013
	)	Hearing Time: 10:00 a.m.

ORDER

Pursuant to the **TRUSTEE’S MOTION AND NOTICE FOR ORDER COMPELLING COMPLIANCE WITH TITLE 11, SECTIONS 521 & 542** (the “Motion”) the Court finds and concludes as follows:

The Motion was properly noticed and no objection was filed.

IT IS HEREBY ORDERED that Debtors turnover all requested bank statements, check copies, Quickbook files, and answers to the Trustee’s questions within fifteen (15) days of the entry of this Order.

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**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I, Mary Jo Gieseke, an employee of W. Donald Gieseke, Trustee, 18124 Wedge Pkwy., Suite 518, Reno, Nevada 89511 am over the age of eighteen years and a citizen of the United States of America. That on the 22<sup>nd</sup> day of April, 2013, I deposited a true and correct copy of the foregoing **TRUSTEE'S MOTION AND NOTICE FOR ORDER COMPELLING COMPLIANCE WITH TITLE 11, SECTION 543 AND SAMPLE ORDER** by way of the United States mail, first class postage prepaid and by Certified mail, to the names listed as below:

**DEBTOR(S) ADDRESS:**

RICK ALAN AND JENNIFER LYNEE LEHRER

3175 ZARAGOZA DRIVE

SPARKS, NV 89436

**DEBTOR(S) COUNSEL'S ADDRESS:**

TIMOTHY POST, ESQ. – Via ECF System

**OFFICE OF THE UNITED STATES TRUSTEE:**

Via ECF System

Dated this 22<sup>nd</sup> day of April, 2013.

/s/ Mary Jo Gieseke

Mary Jo Gieseke